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against a land owner in his suit against the owners of the block for obstructing access to his property because his rights are different from those of the general public, which alone the judgment can conclude. *Long v. Wilson*, 119 Iowa 267, 93 N.W. 282, 60 L.R.A. 720, 97 Am. St. Rep. 315. Also that rights of abutting property owners to the use of the streets are not affected by a suit by the city to which they are not parties. *James v. City of Louisville*, 19 Ky. Law Rep. 447. Though no cases exactly in point have been found it is believed that the main case proceeds upon the right theory, *Shanahan v. City of South Omaha*, *supra*, *Otis v. City of St. Paul*, *supra*.

MANDAMUS—WHEN LIES—GOVERNOR MEMBER OF BOARD.—Mandamus was brought against the Secretary of State, State Auditor and two other State officers, who, with the Governor, comprised the commissioners of the land office, to compel them to pay certain sums of money in the State Treasury. *Held*, that mandamus will not issue to compel the performance of an act by the Governor, but may be issued to require a board, of which the Governor is *ex-officio* a member, to perform ministerial duties imposed by law. *State ex rel. Dunlop, State Treasurer, v. Cruce, et al., Com'rs of Land Office* (Okla. 1912) 122 Pac. 237.

In denying mandamus against the governor alone, the court is in line with the holdings in Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Michigan, Mississippi, Missouri, New Jersey, New York, Tennessee, and Massachusetts, though a contrary doctrine is held in Alabama, California, Colorado, Kansas, Kentucky, Maryland, Minnesota, Montana, Nebraska, Nevada, North Carolina, Ohio and Wyoming. In these states mandamus against the governor is allowed to compel the performance of ministerial duties. For extended note upon mandamus against the governor see 10 MICH. L. REV. 480 and note to *State v. Brooks*, 14 Wyo. 393, 6 L. R. A. (N. S.) 750. In holding the writ will run against the other members of the board, though not against the governor, the principal case is sustained by the weight of authority. *Louisiana Bd. of Liquidation v. McComb*, 92 U. S. 531, 23 L. Ed. 623; *State v. Chase*, 5 Ohio St. 528; *Gray v. State*, 72 Ind. 567; *State, ex rel. Law v. Towns*, 8 Ga. 360, 370; *People, ex. rel. Broderick v. Morton*, 156 N. Y. 136. It is considered in these cases that a board, being able to act by a majority, mandamus may issue against the other members to compel them to act, while it would be denied if brought against the governor alone. But the principal case is opposed to the decisions in *State v. Bd. of Liquidation*, 42 La. Ann. 648; *State v. Bd. of Inspectors*, 114 Tenn. 516; *Mc Fall v. State Bd. of Educators*, 101 Tex. 572; *In re Dennett*, 32 Me. 508; *State v. Harvey*, 11 Wis. 33; *People ex rel. Sutherland v. Governor*, 29 Mich. 320, 18 Am. Rep. 89; where mandamus against a board of which the governor is a member is denied.

MASTER AND SERVANT—FELLOW-SERVANT RULE.—An employee at work in the repair yard of a railroad was killed through the negligence of an engine and switching crew while the latter were running a car needing repair from the general tracks into the repair yard. *Held*, that the fellow-servant rule was applicable. *Beutler v. Grand Trunk Junction R. Co.* (1912) 32 Sup. Ct. 402.